

FRIDAY UPDATE—MARCH 11, 2005

*The weekly update of the activities of the Indiana General Assembly
A publication of the Indiana Judicial Center*

The second half of the session is off to a slow start. Enjoy this short installment of the Friday Update, which highlights bills of interest to the Indiana Judiciary.

If you are interested in reading the text of any bill introduced this session, you may find bill information on Access Indiana at http://www.in.gov/serv/lsa_billinfo. You may access past issues of the Friday Update at <http://www.in.gov/judiciary/center/leg/index.html>.

BANKRUPTCY LAW:

The Senate Judiciary Committee heard HB 1262, authored by Rep. Kuzman, concerning bankruptcy and exemption amounts. This bill increases exemption amounts for property subject to attachment in a bankruptcy proceeding or judgment against the property holder. The bill also exempts interest a debtor has in a Section 529 college savings plan or qualified education savings account. The committee adopted a technical amendment and voted unanimously to pass.

JUDICIARY:

The Senate Judiciary Committee also heard HB 1141, authored by Rep. T. Brown, concerning courts in Montgomery County. This bill would change the Montgomery County Court into Montgomery Superior Court No. 2. Amendments were introduced to add an additional judge to the Howard County Superior Court, and to add a magistrate to the Hendricks County Superior Court. Both amendments were adopted by committee members 9-0; however, final voting on the bill was withheld at the request of Sen. Lanane so another amendment could be introduced next week to include adding a magistrate to the Madison County Superior Courts.

PUBLIC ADMINISTRATION:

The House Committee on Government and Regulatory Reform heard SB 18, which determines when a public official convicted of a felony is removed from office by operation of law. Sponsor Rep. Foley explained that the bill establishes that a public official is removed from office when a jury or court finds him or her guilty, or when the person pleads guilty or nolo contendere. The bill also establishes a uniform definition of felony for these purposes as a crime for which there might have been imprisonment for at least one year. Rep. Foley explained that there was a question about whether a convicted official was removed from office before or after sentencing.

The committee passed, by consent, an amendment that incorporated HB 1007 (protection for whistleblowers) and HB 1002 (establishing state inspector general) into

SB 18. Speaker Bosma and a representative from Governor Daniels' office testified in favor of the amendment, and Speaker Bosma explained that the amendment changes the inspector general provisions of HB 1002 in two respects: (1) the office of inspector general would be subject to the open records statute, and (2) the judge from the Court of Appeals who will determine whether the inspector general could proceed with prosecution will be randomly selected. Speaker Bosma agreed to investigate methods of resolving the problem raised by minority committee members of a potential conflict if the inspector general receives unfavorable information about the Governor or his staff. A representative also explained that the inspector general provisions apply only to executive branch personnel and contractors.

HB 18 (now including HB 1007 and HB 1002) passed by a straight partisan 7-5 vote.